

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.police.ukDate: 23rd September 2021

Your Ref: FOI

Our Ref: FOI 2021/695

Reply contact name is: Kay Moore

Dear,

I write in connection with your request for information dated 28th July 2021 concerning CCTV products. My apologies for the delayed response.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and I am not obliged to supply the information you have requested.

You wrote:

I am writing under the FOIA2000 to request the following information

- 1.) A list of all Hikvision products you force owns or operates
- 2.) A list of all "advanced CCTV" products your council owns or operates - examples of these include products that go beyond mere video recording and storing or those that have features such as temperature scanning, facial recognition, crowd monitoring [this list is illustrative]
- 3.) Data Protection Impact Assessments for all of these products your council uses
- 4.) Contracts for these product's supply - prices can be redacted

Our response:

Wiltshire Police can confirm that we do not hold information in respect of questions 1,2,3 and 4 which relate to the overt use of any Hikvision products, or other products under the term "advanced CCTV" for overt purposes, including the overt use of AFR (automatic facial recognition).

In relation to question 2, we are assuming you are meaning products that the Force uses and not the Council, however, if you would like the Council's response on this I would suggest you send your request directly to them as we only hold information relating to the Force and not the Council.

In relation to whether or not any further information may or may not be held relating to any use of covert facial recognition, Wiltshire Police can neither confirm nor deny that it holds any further



information as the duty in S1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

- Section 23(5) Information relating to the Security bodies;
- Section 24(2) National Security;
- Section 31(3) Law Enforcement;

Section 23 is an absolute exemption which means that the legislators have identified that harm would be caused by release and there is no requirement to consider the public interest test.

Sections 24(2) and 31(3) are qualified, prejudice based exemptions and require evidence of harm and a public interest test to be carried out before they can be relied upon.

Overall Harm in Confirming or Denying whether the Information Requested is Held:

Any disclosure under FOI is a release to the public at large. Whilst not questioning the motives behind this specific request, confirming or denying that any information relating to the any possible covert practice of facial recognition would show those who pose a risk to national security what the capacity, tactical abilities and capabilities of the Wiltshire Police are, allowing them to target specific areas of the UK to conduct/undertake their criminal/terrorist activities.

Confirming or denying the specific circumstances in which the Police Service may or may not deploy the use of facial recognition would be likely to lead to an increase of harm to covert investigations and compromise law enforcement. This would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

The threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. Since 2006, the UK Government has published the threat level, based upon current intelligence and that threat is currently categorised as 'substantial', see below link:

<https://www.mi5.gov.uk/threat-levels>

The UK continues to face a sustained threat from violent extremists and terrorists. It is well established that police forces use covert tactics and surveillance to gain intelligence in order to counteract criminal behaviour. It has been previously documented in the media that many terrorist incidents have been thwarted due to intelligence gained by these means.

Confirming or denying whether any information is or isn't held relating to the covert use of facial recognition technology would limit operational capabilities as criminals/terrorist would gain a greater understanding of the police's methods and techniques, enabling offenders to take steps to counter them. It may also suggest the limitations of police capabilities in this area, which may further encourage criminal/terrorist activity by exposing potential vulnerabilities.

This detrimental effect is increased if the request is made to several different law enforcement bodies. In addition to the local criminal fraternity now being better informed, those intent on organised crime throughout the UK will be able to 'map' where the use of certain tactics may or may not be deployed. This can be useful information to those committing (or those intent on committing or planning) crime. It would have the likelihood of identifying location-specific operations which would ultimately compromise police tactics, operations and future prosecutions as criminals could counteract the measures used against them.

Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these

activities will adversely affect public safety and have a negative impact on both National Security and Law Enforcement.

Public Interest Test:

Factors Favouring Confirming or Denying for Section 24 –

Any further information, if held simply relates to national security and confirming or denying whether it is held would not actually harm it. The public are entitled to know what public funds are spent on and what security measures are in place, and by confirming or denying whether any other information regarding the covert use of facial recognition is held, would lead to a better informed public.

Factors Favouring Neither Confirming Nor Denying for Section 24 –

By confirming or denying whether any other information is held would render Security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

Factors Favouring Confirming or Denying for Section 31 –

Confirming or denying whether any other information is held regarding the use of covert facial recognition technology would provide an insight into Wiltshire Police. This would enable the public to have a better understanding of the effectiveness of the police and about how the police gather intelligence. It would greatly assist in the quality and accuracy of public debate, which could otherwise be steeped in rumour and speculation. Where public funds are being spent, there is a public interest in accountability and justifying the use of public money.

Some information is already in the public domain regarding the police use of this type of specialist equipment and confirming or denying whether any other information is held would ensure transparency and accountability and enable the public to see what tactics are deployed by the Police Service to detect crime.

Factors Against Confirming or Denying for Section 31 –

Confirming or denying that any other information is held regarding the covert use of facial recognition would have the effect of compromising law enforcement tactics and would also hinder any future investigations. In addition, confirming or denying methods used to gather intelligence for an investigation would prejudice that investigation and any possible future proceedings.

It has been recorded that FOIA releases are monitored by criminals and terrorists and so to confirm or deny any other information is held concerning specialist covert tactics would lead to law enforcement being undermined. The Police Service is reliant upon all manner of techniques during operations and the public release of any modus operandi employed, if held, would prejudice the ability of the Police Service to conduct similar investigations.

By confirming or denying whether any other information is held in relation to the facial recognition would hinder the prevention or detection of crime. Wiltshire Police would not wish to reveal what tactics may or may not have been used to gain intelligence as this would clearly undermine the law enforcement and investigative process. This would impact on police resources and more crime and terrorist incidents would be committed, placing individuals at risk. It can be argued that there are significant risks associated with providing information, if held, in relation to any aspect of investigations or of any nation's security arrangements so confirming or denying that any information is held, may reveal the relative vulnerability of what we may be trying to protect.

Balance Test:

The security of the country is of paramount importance and Wiltshire Police will not divulge whether any information is or is not held regarding the covert use of facial recognition, if to do so would place the safety of an individual at risk, undermine National Security or compromise Law Enforcement.

Whilst there is a public interest in the transparency of policing operations and providing assurance that Wiltshire Police is appropriately and effectively engaging with the threat posed by various groups or individuals, there is a very strong public interest in safeguarding the integrity of police investigations and all areas of operations carried out by police forces throughout the UK.

Please note this response should therefore not be taken to as an indication of whether or not the further information is held, other than what Wiltshire Police have confirmed is held within this response for your questions.

Confirming or denying whether any other information is held in relation, for example to any possible covert use of facial recognition technology would potentially show criminals what the capacity, tactical abilities and capabilities of Wiltshire Police are, allowing them to target specific areas of the UK to conduct their criminal/terrorist activities.

Please note, this response should not be taken as an indication of whether or not information in relation to the covert use of facial recognition is held or not.

Section 17 of the Freedom of Information Act 2000 requires the Wiltshire Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemption applicable to the information requested is:

- Section 23(5) Information relating to the Security bodies;
- Section 24(2) National Security;
- Section 31(3) Law Enforcement;

In accordance with Section 17 of the Act, this letter represents a Refusal Notice for this particular request.

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Kay Moore
Force Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:
Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should

contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk